

# Exhibit H

CT

At a Surrogate's Court of the State of New York  
held in and for the County of Monroe at  
Rochester, New York, on May 18, 2017.

PRESENT: HON. JOHN M. OWENS, Surrogate

FINAL ACCOUNTING OF THE CANANDAIGUA  
NATIONAL BANK AND TRUST COMPANY, AS  
SUCCESSOR CO-TRUSTEE OF RESIDUARY  
TRUST UNDER WILL OF ALLEN EBER DATED  
OCTOBER 27, 1969

**ORDER FOR JUDICIAL  
SETTLEMENT OF FINAL  
ACCOUNT OF SUCCESSOR CO-  
TRUSTEE, RESIGNATION AND  
DISCHARGE OF CO-TRUSTEE  
AND TERMINATION OF TRUST**

File No. 1970<sup>DT</sup>1952 /D

UPON reading and filing the duly verified Petition for Judicial Settlement of Final Account of Successor Co-Trustee, Resignation and Discharge of Co-Trustee and Termination of Trust, verified by Petitioner, Canandaigua National Bank and Trust Company, on February 15, 2017; and

UPON all proofs of service having been duly filed with the Court; and

THERE having been no Objections filed with the Court by any of the appearing parties;  
and

UPON, the appearance of Canandaigua National Bank through its counsel, Woods Oviatt Gilman LLP, Lorisa D. LaRocca, Esq. and William G. Bauer, Esq., and the appearance of Lester Eber, through his counsel, Wiedman, Vazzana, Corcoran and Volta, P.C., James G. Vazzana, Esq. at an adjourned return date of this Court on May 18, 2017; and

UPON, the appearance of Calihan Law PLLC, Robert B. Calihan, Esq., on behalf of Elliott W. Gumaer, Jr., having been waived by the Court at counsel's request;

NOW, THEREFORE, it is hereby

**ORDERED, ADJUDGED AND DECREED** that the Final Account of Canandaigua National Bank and Trust Company, as Successor Co-Trustee of the Residuary Trust Under Will of Allen Eber dated October 27, 1969 (the "Trust"), is hereby judicially settled and Canandaigua National Bank and Trust Company is discharged from any liability in the administration of the

Trust from its receipt of assets until distribution of the Trust assets, in its capacity as Successor Co-Trustee of the Trust; and it is further

**ORDERED, ADJUDGED AND DECREED** that the Trust be terminated and that the Trust assets be distributed to the beneficiaries in accordance with the terms set forth in the Final Account and allowed as filed (and adjusted), and that the following is a summary thereof as settled:

### SUMMARY

#### PRINCIPAL ACCOUNT

##### CHARGES:

Schedule A	Principal received	\$1,409,047.07
Schedule AA	Subsequent receipts of principal	12,000.44
Schedule A-1	Realized increases in principal	5,842.73
Schedule G	Unrealized increases in principal	<u>163,793.19</u>
	Total Principal Charges	\$1,590,683.43

##### CREDITS:

Schedule B	Realized decreases in principal	\$ 768,370.36
Schedule C	Administration expenses	48,535.21
Schedule E	Distributions of principal	88,851.48
Schedule G	Unrealized decreases in principal	<u>10,827.35</u>
	Total Principal Credits	<u>\$ 916,584.40</u>

<b>Principal balance on hand shown by Schedule G</b>	<b>\$ 674,099.03</b>
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#### INCOME ACCOUNT

##### CHARGES:

Schedule AA-1	Income received	\$ 2,868.90
Schedule A-2	Income collected	203,676.91
Schedule A-3	Realized increases in income	<u>229.15</u>
	Total Income Charges	\$ 206,774.96

**CREDITS:**

Schedule C-2	Administrative expenses	\$ 18,778.18
Schedule E-1	Distributions of income	<u>170,529.29</u>
	Total Income Credits	\$ <u>189,307.42</u>
	Income remaining on hand as shown in Schedule G-1	\$ 17,467.49

**COMBINED ACCOUNTS**

Principal on hand:	Cash	\$ 35,523.28
	Other assets	<u>638,575.75</u>
	Total principal on hand	\$674,099.03
Income on hand:	Cash	<u>17,467.49</u>
	Total Assets on hand	\$691,566.52

**ORDERED, ADJUDGED AND DECREED** that petitioner pay the remaining cash and transfer, assign and deliver the other remaining assets as shown in the account as follows:

To: Canandaigua National Bank

As and for the commissions in the sum of \$ 8,114.86

To: Woods Oviatt Gilman LLP

For legal services rendered in the sum of \$ TBD

For costs and disbursements \$ TBD

Balance \$ 683,451.66\*

To be distributed as follows:

To: Daniel Kleeberg (1/6 share) \$ 113,908.61\*

To: Lisa Stein (1/6 share) \$ 113,908.61\*

To: Audrey Hays (1/3 share) \$ 227,817.22\*

To: Lester Eber (1/3 share) \$ 227,817.22\*

\*Less Woods Oviatt Gilman LLP fees and disbursements – amount to be determined.

**ORDERED, ADJUDGED AND DECREED** that, upon its completion of the distribution of the Trust assets, as set forth in the Final Account and this Order, Canandaigua National Bank and Trust Company shall be discharged as Successor Co-Trustee of the Trust; and it is further

**ORDERED, ADJUDGED AND DECREED** that, the sum of \$ 5757.50 in fees and 1460 in disbursements shall be paid from the Trust to Woods Oviatt Gilman LLP, as attorneys for Petitioner in connection with its services <sup>and disbursements</sup> in regard to this proceeding.

Dated: June 1, 2017

HON.

  
JOHN M. OWENS, SURROGATE

SURROGATE COURT  
MONROE COUNTY

JUN - 1 2017

FILED